REMARKS

The present amendment is submitted in response to the Office Action dated May 17, 2007, which set a three-month period for response, making this amendment due by August 17, 2007.

Claims 1-16 are pending in this application.

In the Office Action, the specification was objected to for an informality. Claims 1-9 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,639,737 to Forsberg.

The Applicants note with appreciation the allowance of claims 10 and 11 if rewritten in independent form to include the limitations of the base claim and any intervening claims.

In the present amendment, the specification was amended to address the objection, to add a cross reference to the related priority document, and to add standard headings.

To more clearly define the present invention over the cited reference, claim 1 has been amended to define additionally that that the eccentric transmission includes an armature shaft and drive shaft and to define that the eccentric element (12a – 12e) converts in an operation mode a revolving rotary motion of the armature shaft (14a – 14e) into an oscillating rotary motion of the drive shaft (16a – 16e) in order to drive an insertion tool (401 – 40e) of a hand-held power tool (18a – 18e) to oscillate, wherein the imbalance compensation element (10a – 10e) is integral to another functional unit (12a – 12d, 14e). New

claim 13 has been added, which combines the features of amended claim 1 and claim 5. New claim 14 is a further independent claim that includes the features of amended claim 1 and claim 9. New dependent claims 15 and 16 also were added, which depend on claims 14 and 15, respectively, and include the features of claim 10.

Looking now at the substantive rejection of the claims, the cited reference to Forsberg discloses a motor driven saw with an eccentric transmission comprising eccentric elements, embodied as crank gears (34), which have imbalance compensation elements, specifically removed material regions (39), mounted therewith, and the motor driven saw has an armature shaft (23), wherein a revolving rotary motion of the armature shaft (23) is converted via the crank gears (34) in an oscillating movement of an insertion tool, namely a saw blade (54) (see Forsberg, Fig. 1 and column 2, line 26 to column 3, line 59).

In contrast to Forsberg, the present invention discloses an eccentric transmission having an imbalance compensation element (10a – 10e), having an eccentric element (12a – 12e), having an armature shaft (14a – 14e) and having a drive shaft (16a – 16e), wherein the eccentric element (12a – 12e) converts in an operation mode a revolving rotary motion of the armature shaft (14a – 14e) into an oscillating rotary motion of the drive shaft (16a – 16e) in order to drive an insertion tool (401 – 40e) of a hand-held power tool (18a – 18e) to oscillate, wherein the imbalance compensation element (10a – 10e) is integral to another functional unit (12a – 12d, 14e).

Due to an integrated drive shaft (16a – 16e), the eccentric transmission could be designed in a flexible and variable way. The claimed eccentric transmission could be used comfortably in different hand-held power tools with a wide range of insertion tools, which can be advantageously combined therewith.

Forsberg does not disclose a drive shaft, which is driven by the crank gears (34) to convert a revolving rotary motion of the armature into an oscillating movement in order to drive the saw blade (54). In contrast, the crank gears (34) are mounted on bearing studs (31) which are not able to transmit a drive torque.

Thus, Forsberg cannot be an appropriate reference either under, MPEP section 2131, which indicates that to anticipate a claim a reference must teach every element of the claim in as complete detail as is contained in Applicant's claim, or under MPEP section 2143.03, since not all of Applicant's claim limitations are taught or suggested. Therefore, claim 1 as amended is not anticipated by Forsberg under Section 102.

Furthermore, no motivation is provided for integrating a drive shaft besides the crank gears (34) to convert the rotating motion of the armature shaft (23) into an oscillation motion of the saw blade (54). In terms of the guidelines of mechanical engineering, it would be contradictory to integrate a second component which transfers the rotary movement of the drive shaft due to cost reduction and easy assembly of the machine tool.

In addition, Forsberg is focused on building a small electrical hand saw. Therefore, to integrate a drive shaft between the crank gears (34) and the crosshead (43), which drives a ram (51), the saw blade (54) would occupy a

great deal of space, which would be a disadvantage (Forsberg, Figs. 1, 2, and 5; column 1, line 3, column 3, line 60 to column 4, line 33). Thus, the present invention also is not obvious over Forsberg.

Regarding claim 13, Forsberg discloses using crank gears (34) as eccentric elements. As shown in Figs. 1 and 5, all edges of the crank gears are 90° edges and the planes of the crank gears (34) are therefore arranged in parallel and perpendicular, respectively, to each other. As a result, Forsberg does not disclose an axis of an outer casing of the crank gears (34), which are tilted in relation to at least one axis (axis through bearing studs 31 and axis through crank pins 37) of the crank gears (34). The axes (through 31 and 37) are parallel to the axis of the crank gear (34). Therefore, new claim 13 also is not anticipated by Forsberg.

Likewise, Forsberg does not provide any motivation to tilt the crank gears (34). This would actually change the principle of operation of the Forsberg device, because the crank gears (34) run in parallel to a pinion (33), which is axially and therefore parallel mounted on the armature shaft (23) (see Forsberg, Fig. 1). For this reason, claim 13 is not obvious over Forsberg.

With regard to new claim 14, Forsberg discloses connecting the eccentric element and crank gears (34) with the removed material region (39), respectively, via a pinion (33) to the armature shaft (23). Therefore, new claim 14 also is not anticipated by Forsberg, because an integration of the imbalance compensation element (39) is integrally to another functional unit; the feature that the further function unit is the armature shaft is not disclosed by Forsberg.

In addition, there is no motivation for the practitioner to form the imbalance compensation element (39) integrally with the further functional unit which is formed as the armature shaft. Claim 13 therefore also is not obvious over Forsberg.

For the reasons set forth above, the Applicants respectfully submit that new claims 1-16 are patentable over the cited art. The Applicants further request withdrawal of the rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited. Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

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